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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/775,074	02/01/2001	Gerhard Reichert	1663-I-CIP	8012

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EXAMINER
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A, PHI DIEU TRAN

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 07/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/775,074

Applicant(s)

REICHERT, GERHARD

Examiner

Phi D. A

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 23-30, 32-34 and 36-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 23-30, 32-34 and 36-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/5/05 has been entered.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 23, 26-30, 32-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Reed (4567710).

Reed (figure 13-14) shows a simulated divided lite insulating glazing unit having an internal muntin bar, the unit comprising first and second spaced glass sheets (5,6, fiberglass) spaced apart by a perimeter spacer, the first and second glass sheets and spacer defining an insulating chamber a muntin bar (figures 13-14) disposed inside the insulating chamber, the bar having a rigid inner muntin grid element (34), a flexible, collapsible outer muntin grid element (9, top and bottom), when separated from the inner muntin grid element, the collapsible outer muntin grid element being capable of being collapsed upon itself to a collapsed position and reopened to an open position wherein the outer muntin grid element defines a longitudinal

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opening, the outer muntin grid element substantially surrounding the inner muntin grid element to hide the inner muntin grid element from view on both sides of the window (per the parts 9, top and bottom) when the muntin grid piece is installed, the outer muntin grid element defining a slit (the opening at 38), the slit in the outer muntin element defining opposed ends, the opposed ends being angled away from each other (inherently so as the ends are at opposed sides and extending away from each other ), the outer muntin grid element is in the form of a tube (made of two parts, the top and bottom part 9) disposed around the inner muntin grid element, the outer muntin grid element is connected to the inner muntin grid element with a connector (28, 30), the outer muntin grid element including at least on protruding foot (25) that increases the width of the outer muntin grid element, the outer muntin grid element is resilient (ability to flex and return original position as disclosed on col 4 line 59), the outer muntin grid element surrounding at least three sides of the inner muntin grid element, the outer element being a collapsible and resilient flexible tube (tube made of two parts) capable of being collapsed upon itself and reopened to a tube form, the outer muntin grid substantially surrounds the inner muntin grid element,

4. Claims 23, 26-30, 32-34, 36, 39, 42-43 are rejected under 35 U.S.C. 102(b) as being anticipated by Berdan (4850175).

Berdan (figure 9) shows a simulated divided lite insulating glazing unit having an internal muntin bar, the unit comprising first and second spaced glass sheets (G) spaced apart by a perimeter spacer(50), the first and second glass sheets and spacer defining an insulating chamber, a muntin bar (30c, D) disposed inside the insulating chamber, the bar having a rigid inner muntin grid element (D), a flexible, collapsible outer muntin grid element (30c), when separated from the inner muntin grid element, the collapsible outer muntin grid element being capable of being

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collapsed upon itself to a collapsed position and reopened to an open position wherein the outer muntin grid element defines a longitudinal opening, the outer muntin grid element substantially surrounding the inner muntin grid element to hide the inner muntin grid element from view on both sides of the window when the muntin grid piece is installed, the outer muntin grid element defining a slit (figure 9, the slit in the middle of part 30d), the slit in the outer muntin element defining opposed ends, the opposed ends being angled away from each other (inherently so as the ends are at opposed sides and extending away from each other ), the outer muntin grid element is in the form of a tube disposed around the inner muntin grid element, the outer muntin grid element is connected to the inner muntin grid element with a connector (the concavity of the 70), the outer muntin grid element including at least one protruding foot (74) that increases the width of the outer muntin grid element, the outer muntin grid element is resilient, the outer muntin grid element surrounding at least three sides of the inner muntin grid element, the outer element being a collapsible and resilient flexible tube capable of being collapsed upon itself and reopened to a tube form, the outer muntin grid substantially surrounds the inner muntin grid element, the outer element having an inner surface and an outer surface, the tube having a sidewall and the slit extending from the inner surface to the outer surface through the sidewall of the tube, the tube defining a longitudinal slit that allows the tube to be wrapped around the inner muntin grid element, the slit extending from the inner surface to the outer surface of the outer element..

5. Claims 44-47, 49 are rejected under 35 U.S.C. 102(b) as being anticipated by Kessler (4113905).

Kessler (figure 1) shows in combination an inner muntin grid element (12) and an outer muntin grid element used to form a muntin grid piece, the outer muntin grid element (21) being adapted to fold around the inner muntin grid element, the inner muntin grid element having a longitudinal direction, a plurality of spaced corners and a cross sectional perimeter dimension measured about a cross section viewed normal to the longitudinal direction of the inner muntin grid element (12), the combination comprising an outer muntin grid element (21) having a body having a width and a longitudinal direction, the body having spaced, parallel longitudinal ends that define the width of the body, the width being substantially equal to the cross sectional perimeter dimension of the inner muntin grid element, the body defining one corner notch for each corner of the inner muntin grid element (where inner element's corners touching the notches of the outer element), the corner notches being spaced apart to align with the corners of the inner muntin grid element when the body is wrapped around the inner muntin grid element, the body is flexible, the body being resilient, the body being fabricated from a foam, an adhesive connected to the body (inherently so as the adhesive is part of the foam material which bonds to the glass and the inner member when cured), the adhesive adapted to connect the body to the inner muntin grid element when the body is wrapped around the inner muntin grid element.

6. Claims 44-46 are rejected under 35 U.S.C. 102(b) as being anticipated by Stoakes (4756131).

Stoakes (figure 2) shows in combination an inner muntin grid element (42) and an outer muntin grid element used to form a muntin grid piece, the outer muntin grid element (44) being adapted fold around the inner muntin grid element, the inner muntin grid element having a longitudinal direction, a plurality of spaced corners and a cross sectional perimeter dimension

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measured about a cross section viewed normal to the longitudinal direction of the inner muntin grid element (42), the combination comprising an outer muntin grid element 944) having a body having a width and a longitudinal direction, the body having spaced, parallel longitudinal ends that define the width of the body, the width being substantially equal to the cross sectional perimeter dimension of the inner muntin grid element, the body defining one corner notch for each corner of the inner muntin grid element (where inner element's corners touching the notches of the outer element), the corner notches being spaced apart to align with the corners of the inner muntin grid element when the body is wrapped around the inner muntin grid element, the body is flexible, the body being resilient,

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stoakes in view of Donaldson (6192651).

Stoakes shows all the claimed limitations except for the outer element being fabricated from a foam material.

Donaldson discloses foam material (24) forming an outer element.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Stoakes to show the outer element being fabricated from a foam material as

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taught by Donaldson because foam material is a well known material for forming a grid element as it has great heat insulation property and light weight.

9. Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stoakes in view Donaldson (6192651) as applied to claim 47 above and further in view of Baier (5345743).

Stoakes as modified shows all the claimed limitations except for the outer element having a desiccant.

Baier discloses desiccant within an insulated glass to absorb moisture within the glass chamber.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Stoakes's modified structure to show the outer element being the outer element having a desiccant as taught by Baier because it would help absorb moisture seeping into the double layer glass panel and thus keeping the panel clear.

10. Claims 24, 37, 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berdan (4850175) in view Donaldson (6192651).

Berdan shows all the claimed limitations except for the outer element being fabricated from a foam material.

Donaldson discloses foam material (24) forming an outer element.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Berdan to show the outer element being fabricated from a foam material as taught by Donaldson because foam material is a well known material for forming a grid element as it has great heat insulation property and light weight.



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11. Claim 25, 38, 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stoakes in view Donaldson (6192651) as applied to claims 25, 37 or 40 above and further in view of Baier (5345743).

Berdan as modified shows all the claimed limitations except for the outer element having a desiccant.

Baier discloses desiccant within an insulated glass to absorb moisture within the glass chamber.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Berdan's modified structure to show the outer element being the outer element having a desiccant as taught by Baier because it would help absorb moisture seeping into the double layer glass panel and thus keeping the panel clear.

12. Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kessler(4113905) in view of Baier (5345743).

Kessler shows all the claimed limitations except for the outer element having a desiccant.

Baier discloses desiccant within an insulated glass to absorb moisture within the glass chamber.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Kessler's structure to show the outer element being the outer element having a desiccant as taught by Baier because it would help absorb moisture seeping into the double layer glass panel and thus keeping the panel clear.

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***Response to Arguments***

13. Applicant's arguments with respect to claims 23-30, 32-34, 36-49 have been considered but are moot in view of the new ground(s) of rejection.

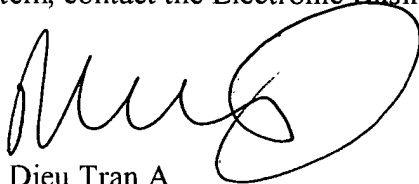
***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different muntin grid element with inner and outer elements.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 571-272-6864. The examiner can normally be reached on Monday-Tuesday, Thursday and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Phi Dieu Tran A

7/19/05